



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/480,303 01/10/00 STONE L STONE-1

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TM02/1108

EXAMINER

JAKETIC, B

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 11/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/480,303

Applicant(s)

STONE ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 3.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23, drawn to a method for publishing, classified in class 705, subclass 14.
 - II. Claims 24-28, drawn to inventory management, classified in class 705, subclass 28.
 - III. Claims 29-31, drawn to electronic shopping, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions. The function of invention I is to control the creating and publishing of presentations to a plurality of media venues. The function of invention II is to control sales and inventory. The function of invention III is to sell admittance to an event or function.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or Group III, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Harry Croskell on November 2, 2001 a provisional election was made without traverse to prosecute the invention of the method for publishing, claims 1-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

6. The disclosure is objected to because of the following informalities: on p. 10, line 6, "4g" should be --4h--.

Appropriate correction is required.

Claim Objections

7. Claims 3 and 4 are objected to because of the following informalities: in line 1 of each claim, "wherein" should presumably be --comprising--. Appropriate correction is required.

8. Claim 5 is objected to because of the following informalities: in line 1 of the claim, "inputs" should presumably be --input--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 15 recites the limitation "the goods or services" in line 1. There is insufficient antecedent basis for this limitation in the claim. Linking the claim to either claim 13 or 14 would solve this antecedent problem.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

12. Claims 1-6, 10, 13, 15, 16, 18-20 rejected under 35 U.S.C. 102(e) as being anticipated by Mandenberg et al. Mandenberg et al disclose a method of using a network of computers to facilitate and control the creating and publishing of presentations to a plurality of media venues comprising a media database (110) comprising a list of available media venues (sites); a presentations rules database having guidelines of the media venues (see col. 6, lines 4-16); means for transmitting the presentations to the selected venue (114); means for sellers selection of the media venue, whereby the a person may choose one or more media venues, create a presentation that apply with the guidelines, and transmit the presentation (col. 10, lines 21-34). Mandenberg et al

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also disclose a seller database (110) with a list of sellers (clients) and means for creating structured presentations (102).

Regarding claims 13 and 15, Mandenberg et al disclose that the media presentations could be menus for a fast food restaurant. In that case, a buyer's selection and purchase of goods is offered by the seller, and means of purchasing the goods is provided.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 7-9, 11, 12, 14, 17, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandenberg et al. Mandenberg et al disclose all of the limitations

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of the claims except for a buyers database, a transaction database, and an inventory database. However, such databases are common in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a buyers database to help select a venue to target a specific type of buyer. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a transaction and inventory database to keep track of the transactions made and to keep track of the available advertising space.

Mandeberg also fails to disclose the type of presentations that are created. However, open-access presentations and dynamic presentations are both common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the presentation creation method of Mandeberg et al to develop open-access or dynamic presentations to allow a variety of options to the client.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greer et al disclose an advertising method. Speicher and Peckover disclose methods for placing classified ads. Beck et al disclose a method of creating internet ads.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-1396 for regular communications and (703) 306-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

bj
November 5, 2001


ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
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